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the judgment was secured before naturalization. *Held*, that the foreign judgment is not enforceable. *Grubel v. Nassauer*, 210 N. Y. 149.

For a discussion of this case and the principles involved, see NOTES, p. 464.

**CONSTITUTIONAL LAW — DUE PROCESS OF LAW — RIGHTS UNDER THE FOURTEENTH AMENDMENT.** — The defendant was indicted under a statute which provided that whoever should agree to lease any building, knowing, or with good reason to know, that it was intended to be used as a house of ill-fame, or whoever should, knowingly, or with good reason to know, permit the building to be so used, should be guilty of a misdemeanor. A second statute provided that two convictions in the same house within six months would satisfy the requirement that the house had been so used with the permission of the owner. This was the only evidence of knowledge in the principal case. A writ of *habeas corpus* is brought to secure the relator's release. *Held*, that the relator be discharged, the second statute being unconstitutional. *People v. Warden of City Prison*, 143 N. Y. Supp. 912 (Sup. Ct.).

One who leases a house with knowledge that it is to be used as a disorderly house, or who permits it to be so used, is guilty of a misdemeanor at common law. *People v. Erwin*, 4 Den. (N. Y.) 129. *Contra*, *Reg. v. Slannard*, L. & C. 349. A disorderly house is a common-law nuisance. *Price v. State*, 96 Ala. 1, 11 So. 128. Therefore no *mens rea* need be shown. *Reg. v. Stephens*, L. R. 1 Q. B. 702. The element of knowledge is, however, necessary. See *State v. Williams*, 30 N. J. L. 102, 106. The lessor has to be connected in some way as a principal in the misdemeanor, since mere ownership of the property imposes no responsibility for the nuisance. *Schmidt v. Cook*, 4 Misc. (N. Y.) 85, 23 N. Y. Supp. 799. The first statute is, except for the punishment provided, declaratory of the common law. The second statute, in terms, precludes the defendant from denying his connection with the crime on the score of knowledge. Such a conclusive presumption has been held unconstitutional. *Groesbeck v. Seeley*, 13 Mich. 329. More probably the intent was to make knowledge unnecessary. The first statute also gave the owner a right to oust a once-convicted tenant. This puts a duty on him to enforce that right. Failing to do so before a second conviction, he has violated the statute. The maximum penalty provided is a five hundred dollars fine, or one year's imprisonment, or both. PENAL LAW, 1909, § 1937. To punish thus a morally guiltless defendant savors of a deprivation without due process of law. Yet the police power has often been extended equally far in the interest of public health and morals. *People v. West*, 106 N. Y. 293, 12 N. E. 610; *Ford v. State*, 85 Md. 465, 37 Atl. 172; *Ah Sin v. Wittman*, 198 U. S. 500.

**CONSTITUTIONAL LAW — PERSONAL RIGHTS, CIVIL, POLITICAL, AND RELIGIOUS — OPERATION TO PREVENT PROCREATION.** — THE Board of Examiners of Feeble-Minded, Epileptics, Criminals, and other Defectives, to prevent procreation, ordered the operation of salpingectomy on the plaintiff, a woman confined in a charitable institution for epileptics. A statute provided for the asexualization of feeble-minded, epileptics, rapists, certain criminals and other defectives who were confined in state reformatories, charitable, and penal institutions. *Held*, that the portion of the statute relating to epileptics is unconstitutional because, not applying equally to all epileptics within the state, it does not afford equal protection of the laws. *Smith v. Board of Examiners*, 88 Atl. 963 (N. J. Sup. Ct.).

Aside from this apparently impregnable position, the opinion contains a strong *dictum* on the broader ground that statutes of this nature are invalid under the "due process of law" clause as an unreasonable exercise of police power. The case is interesting to compare with *State v. Feilen*, 126 Pac. 75 (Wash.), discussed in 26 HARV. L. REV. 163. There the question arose under